

SENATE BILL No. 247

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-13.6-3-3; IC 5-2-4-1; IC 5-14; IC 10-15; IC 10-19; IC 11-11-3; IC 16-18-2; IC 16-31; IC 22-12-6-1; IC 22-14-2-7; IC 22-15-4-4; IC 34-30-13-1.5.

Synopsis: Various homeland security matters. Adds the department of homeland security's building law compliance officer to the certification board that administers the provisions concerning qualifications for state public works projects. Establishes the Indiana intelligence fusion center (fusion center) to collect, maintain, and analyze intelligence information and other information relating to criminal activity or terrorism. Designates the counterterrorism and security council (CTASC) and the fusion center as criminal justice agencies. Exempts CTASC from the open meetings law and the CTASC and fusion center from the open records law. Combines five funds managed by the department of homeland security into the homeland security fund, and provides that money in the homeland security fund reverts to the fire and building services fund if the homeland security foundation is terminated. Permits the department of correction to read mail to and from offenders unless the mail is privileged, and prohibits the department of correction from disclosing the contents of this mail unless certain conditions are met. Makes conforming amendments and technical corrections.

Effective: July 1, 2006.

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January 9, 2006, read first time and referred to Committee on Homeland Security, Utilities, and Public Policy.

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Introduced

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

SENATE BILL No. 247

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-13.6-3-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) There is
3 established a certification board. The following persons shall serve on
4 the certification board:

5 ~~(1) The state building commissioner.~~

6 ~~(2)~~ (1) The chief engineer of the department of natural resources.

7 ~~(3)~~ (2) The director.

8 (3) The building law compliance officer of the department of
9 homeland security.

10 (b) The board shall administer IC 4-13.6-4.

11 SECTION 2. IC 5-2-4-1 IS AMENDED TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, unless
13 the context otherwise requires:

14 ~~(a)~~ (1) "Criminal history information" means information
15 collected by criminal justice agencies or individuals consisting of
16 identifiable descriptions and notations of arrests, detentions,
17 indictments, informations, or other formal criminal charges, and



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any disposition arising therefrom, sentencing, correctional supervision, and release.

~~(b)~~ (2) "Criminal intelligence information" means information on identifiable individuals compiled in an effort to anticipate, prevent or monitor possible criminal activity. "Criminal intelligence information" does not include criminal investigative information which is information on identifiable individuals compiled in the course of the investigation of specific criminal acts.

~~(c)~~ (3) "Criminal justice agency" means any agency or department of any level of government which performs as its principal function the apprehension, prosecution, adjudication, incarceration, rehabilitation of criminal offenders, or location of parents with child support obligations under 42 U.S.C. 653. The term includes:

(A) a nongovernmental entity that performs as its principal function the:

~~(1)~~ (i) apprehension, prosecution, adjudication, incarceration, or rehabilitation of criminal offenders; or

~~(2)~~ (ii) location of parents with child support obligations under 42 U.S.C. 653;

under a contract with an agency or department of any level of government;

(B) the department of homeland security; and

(C) the Indiana intelligence fusion center established by IC 10-19-10-1.

SECTION 3. IC 5-14-1.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) In enacting this chapter, the general assembly finds and declares that this state and its political subdivisions exist only to aid in the conduct of the business of the people of this state. It is the intent of this chapter that the official action of public agencies be conducted and taken openly, unless otherwise expressly provided by statute, in order that the people may be fully informed. The purposes of this chapter are remedial, and its provisions are to be liberally construed with the view of carrying out its policy.

(b) This chapter does not apply to the counterterrorism and security council established by IC 10-19-8-1.

SECTION 4. IC 5-14-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A fundamental philosophy of the American constitutional form of representative government is that government is the servant of the people and not their master.

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Accordingly, it is the public policy of the state that all persons are entitled to full and complete information regarding the affairs of government and the official acts of those who represent them as public officials and employees. Providing persons with the information is an essential function of a representative government and an integral part of the routine duties of public officials and employees, whose duty it is to provide the information. This chapter shall be liberally construed to implement this policy and place the burden of proof for the nondisclosure of a public record on the public agency that would deny access to the record and not on the person seeking to inspect and copy the record.

(b) This chapter does not apply to the:

(1) counterterrorism and security council established by IC 10-19-8-1; or

(2) Indiana intelligence fusion center established by IC 10-19-10-1.

SECTION 5. IC 10-15-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. "Foundation" refers to the Indiana ~~emergency management, fire and building services, and public safety training~~ **homeland security** foundation established by IC 10-15-2-1.

SECTION 6. IC 10-15-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. ~~"Funds"~~ **"Fund"** means the ~~funds~~ **Indiana homeland security fund** established by IC 10-15-3-1.

SECTION 7. IC 10-15-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The Indiana ~~emergency management, fire and building services, and public safety training~~ **homeland security** foundation is established as a public body corporate and politic.

SECTION 8. IC 10-15-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The foundation may acquire personal property to be donated under subsection (b). The foundation may receive donations of real property to be disposed of under subsection (c).

(b) As used in this subsection, "person" means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, a trust, or a governmental entity. Subject to subsection (d), the foundation may donate personal property to the following:

(1) The department.

(2) The institute.

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(3) The agency.

(4) A unit of local government.

(5) A person.

(c) The foundation shall dispose of real property donations in the following manner:

(1) Real property may be accepted by the foundation for purpose of resale, either on the open market or to the state or a unit of local government at a price set by the foundation.

(2) The proceeds from the sale of real property shall be donated to a fund that the donor has chosen or, if the donor has not chosen a fund, to a fund to be chosen by the foundation.

(d) The foundation must have the approval of the executive director to donate property to the state.

SECTION 9. IC 10-15-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The ~~following funds are established~~:

(1) ~~Emergency management fund~~;

(2) ~~Fire services fund~~;

(3) ~~Building services fund~~;

(4) ~~Emergency medical services fund~~;

(5) ~~Stewardship fund~~;

Indiana homeland security fund is established to fund projects of the department of homeland security.

(b) The ~~funds fund~~ established by subsection (a)(1) through (a)(4) consist **(a) consists of**:

(1) gifts and proceeds received under section 5 of this chapter; and

(2) fees from license plates as set forth in section 6 of this chapter.

~~(c) The stewardship fund established by subsection (a)(5) consists of fees from license plates as set forth in section 6 of this chapter.~~

SECTION 10. IC 10-15-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The foundation shall do the following:

(1) Hold the ~~funds fund~~ in the name of the foundation.

(2) Administer the ~~funds~~: **fund**.

(3) Make all expenditures from the ~~funds~~: **fund**.

SECTION 11. IC 10-15-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. Gifts of money to the ~~funds fund~~ or the foundation or the proceeds from the sale of gifts donated to the ~~funds fund~~ or the foundation shall be deposited in the ~~designated~~ fund.

SECTION 12. IC 10-15-3-6 IS AMENDED TO READ AS

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FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. Fees from license plates issued under IC 9-18-45 shall be deposited as follows:

(1) Twenty-two and one-half percent (22.5%) of the fees in the emergency management fund:

(2) Twenty-two and one-half percent (22.5%) of the fees in the fire services fund:

(3) Twenty-two and one-half percent (22.5%) of the fees in the building services fund:

(4) Twenty-two and one-half percent (22.5%) of the fees in the emergency medical services fund:

(5) Ten percent (10%) of the fees in the stewardship fund:
in the fund.

SECTION 13. IC 10-15-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The expenses of administering this chapter shall be paid from money in the funds: fund.

SECTION 14. IC 10-15-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. The money in the funds fund at the end of a state fiscal year remains in the designated funds fund and does not revert to any other fund. If the foundation is terminated, the money in the funds fund reverts to the emergency management contingency fund established by IC 10-14-3-28: fire and building services fund established by IC 22-12-6-1.

SECTION 15. IC 10-15-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. The funds are fund is subject to audit by the state board of accounts.

SECTION 16. IC 10-19-1-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. "Fusion center" refers to the Indiana intelligence fusion center established by IC 10-19-10-1.

SECTION 17. IC 10-19-1-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) "Individual intelligence information" means information concerning an identifiable individual compiled in an effort to anticipate, prevent, or monitor possible terrorist or criminal activity.

(b) The term does not include information concerning an identifiable individual that is collected or compiled in the routine course of an investigation of a specific criminal act.

SECTION 18. IC 10-19-3-3, AS ADDED BY P.L.22-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The executive director shall do the following:

(1) Serve as the chief executive and administrative officer of the

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department.

(2) Serve as the director of the council.

(3) Administer the application for, and disbursement of, federal and state homeland security money for all Indiana state and local governments.

(4) Develop a single strategic plan for preparing and responding to homeland security emergencies in consultation with the council.

(5) Serve as the state coordinating officer under federal law for all matters relating to emergency and disaster mitigation, preparedness, response, and recovery.

(6) Use and allocate the services, facilities, equipment, personnel, and resources of any state agency, on the governor's behalf, as is reasonably necessary in the preparation for, response to, or recovery from an emergency or disaster situation that threatens or has occurred in Indiana.

(7) Develop a plan to protect key state assets and public infrastructure from a disaster or terrorist attack.

(8) Operate the fusion center.

SECTION 19. IC 10-19-8-2, AS ADDED BY P.L.22-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The council consists of the following members:

(1) The lieutenant governor.

(2) The executive director.

(3) The superintendent of the state police department.

(4) The adjutant general.

(5) The state health commissioner.

(6) The commissioner of the department of environmental management.

(7) The ~~assistant commissioner~~ **director of the department of agriculture.**

(8) The chairman of the Indiana utility regulatory commission.

(9) The commissioner of the Indiana department of transportation.

(10) The executive director of the Indiana criminal justice institute.

(11) The commissioner of the bureau of motor vehicles.

(12) A local law enforcement officer or a member of the law enforcement training academy appointed by the governor.

(13) The speaker of the house of representatives or the speaker's designee.

(14) The president pro tempore of the senate or the president pro

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tempore's designee.

(15) The chief justice of the supreme court.

(16) The director of the department of natural resources or, if designated by the director, the deputy director who manages the bureau of law enforcement and administration.

(17) The state veterinarian.

(b) The members of the council under subsection (a)(13), (a)(14), and (a)(15) are nonvoting members.

(c) Representatives of the United States Department of Justice may serve as members of the council as the council and the Department of Justice may determine. Any representatives of the Department of Justice serve as nonvoting members of the council.

SECTION 20. IC 10-19-8-9, AS ADDED BY P.L.22-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The council may receive confidential law enforcement information from the state police department, the Federal Bureau of Investigation, or other federal, state, or local law enforcement agencies.

(b) ~~For purposes of IC 5-14-1.5 and IC 5-14-3 information received under subsection (a) is confidential~~ **do not apply to the council.**

SECTION 21. IC 10-19-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 10. Indiana Intelligence Fusion Center

Sec. 1. The Indiana intelligence fusion center is established to:

- (1) collect;**
- (2) integrate;**
- (3) evaluate;**
- (4) analyze;**
- (5) disseminate; and**
- (6) maintain;**

intelligence information and other information to support law enforcement agencies, other governmental agencies, and private organizations in detecting, preventing, investigating, and responding to criminal and terrorist activity.

Sec. 2. (a) The department shall operate the Indiana intelligence fusion center under the direction of the governor.

(b) The department shall cooperate with:

- (1) the state police department; and**
- (2) upon direction by the governor, any other agency or organization, including an agency of local, state, or federal government, or a private organization.**

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1 **Sec. 3. The Indiana intelligence fusion center may collect**
 2 **individual intelligence information only if:**

3 (1) **the individual who is the subject of the individual**
 4 **intelligence information reasonably appears to be involved**
 5 **with or have knowledge of possible terrorist or criminal**
 6 **activity; and**

7 (2) **the individual intelligence information is relevant to the**
 8 **terrorist or criminal activity.**

9 SECTION 22. IC 11-11-3-2 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A confined
 11 person may send and receive, in any language, an unlimited amount of
 12 correspondence to or from any person, except as provided by
 13 subsection (b).

14 (b) The department may require prior approval of correspondence
 15 between a confined person and another person if the other person **is on**
 16 **parole or:**

- 17 (1) is being held in a correctional facility;
 18 (2) has been sentenced to a community corrections program;
 19 (3) is being held in a county jail; or
 20 (4) is participating in a work release program;

21 operated by the department, a county sheriff, a county, the United
 22 States, or any state.

23 (c) If the department determines that the correspondence referred to
 24 under ~~section 2(b) of this chapter~~, **subsection (b)** is in the best interest
 25 of both the confined person and the facility involved, such
 26 correspondence shall be permitted.

27 (d) When the department has prohibited correspondence referred to
 28 under ~~section 2(b) of this chapter~~, **subsection (b)** it shall follow the
 29 procedure for notification and availability of the grievance procedure
 30 as provided in sections 4(d) and 4(e) of this chapter.

31 SECTION 23. IC 11-11-3-4 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. **(a) The department**
 33 **may read and examine correspondence sent to or from a confined**
 34 **person unless it is clearly marked as correspondence that it is**
 35 **privileged under state or federal law. The department may not**
 36 **disclose the contents of the correspondence to another person**
 37 **unless:**

38 (1) **the department has reasonable grounds to believe that the**
 39 **correspondence:**

- 40 (A) **poses an immediate danger to the safety of an**
 41 **individual or a serious threat to the security of the facility**
 42 **or program; or**

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- (B) is prohibited under section 2(b) of this chapter;
- (2) the correspondence contains contraband or prohibited property;
- (3) the confined person has been:
- (A) convicted of a crime that involved the use of correspondence to engage in an illegal activity; or
- (B) found guilty after a hearing conducted by the department of using correspondence to commit misconduct;
- (4) the department receives a written request from a supervising authority of any federal or state law enforcement agency stating that the agency has reasonable grounds to believe that a crime is being committed or has been committed by the confined person and that the department should monitor the confined person's correspondence; or
- (5) the department has reasonable grounds to believe that the correspondence may pose a threat to national security.

(a) (b) The department may open correspondence that is sent to or from a confined person to inspect for and remove contraband or prohibited property and to permit removal of funds for crediting to the confined person's account. The correspondence may not be read, censored, copied, or otherwise interfered with in regard to its prompt delivery unless it is not clearly marked as correspondence that is privileged by other law and:

- (1) the department has reasonable grounds to believe that the correspondence:
- (A) poses an immediate danger to the safety of an individual or a serious threat to the security of the facility or program; or
- (B) is prohibited under section 2(b) of this chapter;
- (2) the correspondence contains contraband or prohibited property;
- (3) the confined person has been:
- (A) convicted of a crime that involved the use of correspondence to engage in an illegal activity; or
- (B) found guilty after a hearing conducted by the department of using correspondence to commit misconduct; ~~or~~
- (4) the department receives a written request from a supervising authority of any federal or state law enforcement agency stating that the agency has reasonable grounds to believe that a crime is being committed or has been committed by the confined person and that the department should monitor the confined person's correspondence; ~~or~~

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(5) the department has reasonable grounds to believe that the correspondence may pose a threat to national security.

~~(b)~~ **(c)** The department may adopt procedures to inspect correspondence to or from an offender to determine whether the correspondence contains contraband or prohibited property under subsection (a) **or (b)**. The department shall inform the offender whenever the department removes the offender's funds under subsection ~~(a)~~, **(b)**, including the dollar amount.

~~(d)~~ **(d)** For purposes of this section, disagreement with the sender's or receiver's apparent moral, political, ethical, ethnic, or religious values or attitudes, veracity, or choice of words may not be used as a reason for censoring, copying, delaying, or disallowing the delivery of a personal communication.

~~(d)~~ **(e)** This subsection does not apply to correspondence ~~monitored~~ **described** under subsection (a)(4), **(a)(5), (b)(4), or (b)(5)**. If the department delays, censors, copies, or withholds correspondence, it shall promptly notify the person. The notice must be in writing and specify the reason for the action, the name of the sender, the date of any postmark, the date the correspondence was received or deposited at the facility or program, the proposed disposition to be made of the correspondence, the name of the person who made the decision, and the fact that the department's action may be challenged through the grievance procedure.

~~(e)~~ **(f)** The department shall maintain a record of each decision to withhold, copy, delay, or otherwise interfere with the prompt transmission of correspondence. This record must indicate the information set forth in the notice prescribed in subsection ~~(d)~~; **(e)**. The department shall establish policies to ensure that the contents of any monitored correspondence shall be shared only with necessary department staff. However, if the department believes that any correspondence contains evidence of criminal activity, that correspondence, or a copy, may be shared with appropriate federal or state law enforcement officials.

SECTION 24. IC 16-18-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. ~~(a)~~ "Agency", for purposes of IC 16-31-8.5, has the meaning set forth in IC 16-31-8.5-1.

~~(b)~~ "Agency", for purposes of IC 16-41-37, has the meaning set forth in IC 16-41-37-1.

SECTION 25. IC 16-18-2-92.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 92.6. **(a)** "Department", for purposes of IC 16-31-8.5, has the meaning set forth in IC 16-31-8.5-1.

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(b) "Department", for purposes of IC 16-47-1, has the meaning set forth in IC 16-47-1-1.

SECTION 26. IC 16-31-2-12 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 12. The commission may impose a reasonable fee for the issuance of a certification under this chapter. The commission shall deposit the fee in the emergency medical services fund established by IC 16-31-8.5-3.**

SECTION 27. IC 16-31-3-13.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 13.5. The commission may impose a reasonable fee for the issuance of a certification under this chapter. The commission shall deposit the fee in the emergency medical services fund established by IC 16-31-8.5-3.**

SECTION 28. IC 16-31-8.5-1, AS AMENDED BY P.L.22-2005, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, "~~agency~~" "**department**" refers to the department of homeland security established by IC 10-19-2-1.

SECTION 29. IC 16-31-8.5-3, AS AMENDED BY P.L.22-2005, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The emergency medical services fund is established to defray the personal services expense, other operating expense, and capital outlay of the:

(1) commission; and

(2) employees of the ~~agency~~: **department**.

(b) The fund includes money collected under **IC 16-31-2, IC 16-31-3, and IC 16-31-3.5.**

SECTION 30. IC 16-31-8.5-4, AS AMENDED BY P.L.22-2005, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The ~~agency~~ **department** shall administer the fund.

(b) The ~~agency~~ **department** shall deposit money collected under **IC 16-31-2, IC 16-31-3, and IC 16-31-3.5** in the fund at least monthly.

(c) Expenses of administering the fund shall be paid from money in the fund.

SECTION 31. IC 22-12-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The fire and building services fund is established for the purpose of defraying the personal services, other operating expense, and capital outlay of the following:

(1) The department. ~~of fire and building services.~~

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(2) The education board and the rules board.

(3) The commission.

(b) The fund shall be administered by the department. Money collected for deposit in the fund shall be deposited at least monthly with the treasurer of state.

(c) The treasurer of state shall deposit the following collected amounts in the fund:

(1) Fire insurance policy premium taxes assessed under section 5 of this chapter.

(2) Except as provided in section 6(d) of this chapter, all fees collected under this chapter.

(3) Any money not otherwise described in this subsection but collected by the ~~office of the state fire marshal or by the office of the state building commissioner.~~ **division of fire and building safety.**

(4) Any money not otherwise described in this subsection but collected by the department, commission, education board, or rules board and designated for distribution to the fund by statute or the executive director of the department.

(5) A fee collected by the education board for the issuance of a certification under IC 22-14-2-7.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(e) Money in the fund at the end of a fiscal year does not revert to the state general fund.

SECTION 32. IC 22-14-2-7, AS AMENDED BY P.L.22-2005, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) This section does not limit the powers, rights, duties, and other responsibilities of municipal or county governments or impose requirements affecting pension laws or any other laws.

(b) This section does not require a member of a fire department to be certified.

(c) The education board may:

(1) certify firefighting training and education programs that meet the standards set by the education board;

(2) certify fire department instructors who meet the qualifications set by the education board;

(3) direct research in the field of firefighting and fire prevention and accept gifts and grants to direct this research;

(4) recommend curricula for advanced training courses and

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seminars in fire science or fire engineering training to public and private institutions of higher education;

(5) certify fire service personnel and nonfire service personnel who meet the qualifications set by the education board;

(6) require fire service personnel certified at any level to fulfill continuing education requirements in order to maintain certification;

(7) contract or cooperate with any person and adopt rules under IC 4-22-2 to carry out its responsibilities under this section; or

(8) grant a variance to a rule the education board has adopted.

(d) The education board may impose a reasonable fee for the issuance of a certification described in subsection (c). The board shall deposit the fee in the fire and building services fund established by IC 22-12-6-1.

SECTION 33. IC 22-15-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The ~~commission~~ **department** may enter into an agreement under IC 22-13-2-12 to authorize the sale and use of industrialized building systems and mobile structures that are not certified under section 1 or 2 of this chapter but are certified under the requirements of any of the following:

(1) The United States Department of Housing and Urban Development.

(2) Another state.

(3) A foreign country.

(b) The ~~commission~~ **department** may enter into an agreement under IC 22-13-2-12 to inspect and certify industrial building systems and mobile structures under the requirements of any of the following:

(1) The United States Department of Housing and Urban Development.

(2) Another state.

(3) A foreign country.

SECTION 34. IC 34-30-13-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1.5. Except as provided in section 2 of this chapter, a physician licensed under IC 25-22.5 is immune from civil liability resulting from an act or omission related to the provision of medical direction concerning emergency medical services (as defined in IC 16-18-2-110) within the scope of the physician's license, if the physician provides medical direction concerning emergency medical services:**

(1) to a person who is certified under IC 16-31 to provide the emergency medical services; and

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1 **(2) without compensation.**

2 SECTION 35. THE FOLLOWING ARE REPEALED [EFFECTIVE
3 JULY 1, 2006]: IC 10-15-3-2; IC 10-15-3-3; IC 16-31-3-13.

4 SECTION 36. [EFFECTIVE JULY 1, 2006] **(a) This SECTION**
5 **does not apply to the emergency medical services fund established**
6 **by IC 16-31-8.5-3.**

7 **(b) After June 30, 2006, the following apply:**

8 **(1) The:**

9 **(A) emergency management fund;**

10 **(B) fire services fund;**

11 **(C) building services fund;**

12 **(D) emergency medical services fund; and**

13 **(E) stewardship fund;**

14 **established by IC 10-15-3-1 are abolished.**

15 **(2) All money contained in the funds listed in subdivision (1)**
16 **is transferred to the Indiana homeland security fund**
17 **established by IC 10-15-3-1, as amended by this act.**

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